



REGISTER NOTICE

SAN # 2012-22

1. TITLE OF THE REGULATIONS:

Amendment to 7 **DE Admin. Code** 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Congress sought to reduce cancer and non-cancer health risks due to the exposure to hazardous air pollutants (HAPs) in the Clean Air Act Amendments of 1990. Congress stipulated that the EPA implement a 2-phase rulemaking process to reduce health risks. In phase one, the EPA was to adopt emission standards based on currently available control technologies; these standards are referred to as maximum achievable control technology (MACT) standards. In phase two, the EPA was to adopt additional standards based on an assessment of the health risks remaining after the implementation of the MACT standards and an assessment of the availability of new control technologies; these standards were referred to as risk and technology review (RTR) standards.

Delaware adopted the federal MACT standard (40 CFR Part 63 Subpart N) applicable to chromium electroplating and chromium anodizing facilities, as Section 6 of 7 **DE Admin. Code** 1138 on November 1, 2001.

In 2010 and 2011, the EPA undertook an extensive assessment and, on September 19, 2012, promulgated the RTR standard applicable to chromium electroplating and chromium anodizing facilities. The notable, more stringent changes to Subpart N included the lowering of the maximum allowable emission rate of chromium to the atmosphere, the prohibition of continued use of certain fume suppressants, and the addition of new housekeeping procedures.

This proposed amendment to Section 6 of 7 **DE Admin. Code** 1138 is being undertaken to incorporate the more stringent changes the EPA made to Subpart N, in order to reduce the public's exposure to chromium and to maintain the consistency of Delaware's air toxics regulatory requirements under Section 6 with national requirements under Subpart N.

3. POSSIBLE TERMS OF THE AGENCY ACTION: None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT: 7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL: None

6. NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Thursday, June 27, 2013 starting at 6:00 PM in the DNREC Richardson & Robbins Auditorium, 89 Kings Highway, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Division of Air Quality, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

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May 2, 2013

Name/Phone #/email address

Date